

NO. 23895

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

STEPHEN A. LEVINE, Respondent.

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ODC 97-195-5389

ORDER DENYING REINSTATEMENT

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Respondent Stephen A. Levine's petition for reinstatement to the practice of law and the record and files in this case, it appears that Respondent Levine filed his Rule 2.16(d) of the Rules of the Supreme Court of the State of Hawai'i ("RSCH") affidavit two years late and admitted that he practiced law while suspended. While we appreciate Respondent Levine's candor in this matter, Respondent Levine cannot show proof by clear and convincing evidence that he has complied with our November 14, 2001 suspension order, as required by RSCH 2.17(b) for reinstatement. Therefore,

IT IS HEREBY ORDERED that Respondent Stephen A. Levine's petition for reinstatement to the practice of law in the State of Hawai'i is denied, and this case is remanded to the Disciplinary Board for investigation, appropriate proceedings,

and recommendation with regard to further discipline, if any, and reinstatement.

DATED: Honolulu, Hawai'i, February 12, 2004.